

1978 WL 35008 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 1, 1978

*1 Colonel W. J. Seaborn
Director of Law Enforcement
Department of Highways and Public Transportation
1110 Senate Street
P. O. Box 191
Columbia, South Carolina 29202

Dear Col. Seaborn:

Your question as to whether private police can given tickets in private subdivisions which they are hired to guard has been forwarded to me. On May 30, 1978, the Governor signed House Bill 3560 (copy attached). That bill provides for the application of state traffic laws to private roads upon the written consent of the owner of the roads. Furthermore, § 4 of the new law allows for speed limits proposed by the owner and properly approved and filed to 'be enforced by . . . officers of sheriff's department . . .' as well as other persons with authority.

Private police who are properly licensed under the South Carolina Private Detective and Private Security Agencies Act, S. C. Code of Laws, 1976, § 40-17-10, *et. seq.*, and who are hired 'to patrol, guard or render a similar service on certain property shall be granted the authority and power which sheriffs have to make arrest . . . but shall have such powers of arrest only on the aforementioned property.' See S. C. Code of Laws, 1976, § 40-17-130.

Thus, it is the opinion of this office that private police licensed under the S. C. Private Detectives and Private Security Agencies Act may enforce speed limits on private roads so long as the road owner has complied with the new act.

If I may be of further assistance to you, please to not hesitate to contact me.

Very truly yours,

Joseph R. Barker
Assistant Attorney General

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